

JacksonLewis

Jackson Lewis P.C.
58 South Service Road, Suite 250
Melville, NY 11747
(631) 247-0404 Main
(631) 247-0417 Fax
jacksonlewis.com

MY DIRECT DIAL IS: (631) 247-4615
MY EMAIL ADDRESS IS: Ian.Bogaty@jacksonlewis.com

January 5, 2023

VIA ECF

Honorable Denise L. Cote
United States District Judge
Southern District of New York
500 Pearl Street, Courtroom 18B
New York, New York 10007-1312

Re: Kyle Bragg v. Airway Cleaners, LLC,
Civ. No.: 21 Civ. 09587 (DLC)

Dear Judge Cote:

We represent Defendant Airway Cleaners, LLC ("Airway"), and submit this joint letter pursuant to Your Honor's Individual Rules 1(A) and (E) to respectfully request that the Court reopen discovery for 90 days, to April 5, 2023. Attached as **Exhibit A** please find the revised proposed scheduling order. This is the parties' first request for an extension of discovery.

Since the inception of this case the parties have been working diligently to settle this matter, along with the associated case *Kyle Bragg v. Alstate Maintenance, LLC*, No. 21 Civ. 09588 (GHW)(VF). Over the course of several months of negotiations, including numerous meet and confers, four (4) mediation sessions by the Court-appointed Mediator, and repeated exchanges of critical documents as well as Defendant's payment of more than one million dollars in alleged back-contributions, the parties have been unable to reach a complete resolution. While the parties have made significant progress exchanging documents and information without Court intervention and expensive litigation costs, which have served to highlight and narrow the salient issues in the case, the parties appear to have no choice but to continue the litigation process. As such, and to do so effectively, the parties believe reopening discovery so that it may be completed is necessary. Accordingly, the parties respectfully request that the Court reopen discovery through and including April 5, 2023 (90 days).

*Denise. The action will be dismissed
for failure to prosecute if the Mutual
Order is not filed on 1/20/23.
Denise Cote
1/6/23*

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Thank you for Your Honor's consideration of this joint request.

Very truly yours,

JACKSON LEWIS P.C.

Ian B. Bogaty

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IBB/nml
Attachment

4875-3017-8120, v. 1